

201 E. Fourth St. P.O. Box 2301 Cincinnati, Ohio 45201-2301

Janaury 16, 1996

Mr. William F. Caton, Acting Secretary Federal Communications Commission 1919 M Street, N.W., Room 222 Washington, D. C. 20554

DOCKET FILE COPY ORIGINAL

DOCKET FILE COPY OF THE COP

In the Matter of:

Price Cap Performance Review)	CC Docket No. 94-1
for Local Exchange Carriers)	
)	
Treatment of Operator Services)	CC Docket No. 93-124
Under Price Cap Regulation)	
)	
Revisions to Price Cap Rules for AT&T)	CC Docket No. 93-197

Dear Mr. Caton:

Enclosed are an original and nine copies of the Reply Comments of Cincinnati Bell Telephone in the above referenced proceeding. Two additional copies are being provided to the Tariff Division and a computer disk copy of the attached Reply Comments is being provided to the Industry Analysis Division, as instructed in paragraph 181 of the Commission's Second Further Notice of Proposed Rulemaking in the above referenced docket. A duplicate original copy of this letter and attached Reply Comments is also provided. Please date stamp this as acknowledgment of its receipt and return it. Questions regarding these Reply Comments may be directed to Ms. Patricia Rupich at the above address or by telephone on (513) 397-6671.

Sincerely,

Peggy A. Peckham

Director - Legislative & Regulatory Planning

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of)	
Price Cap Performance Review for Local Exchange Carriers)	CC Docket No. 94-1
Treatment for Operator Services Under Price Cap Regulation)	CC Docket No. 93-124
Revisions to Price Cap Rules for AT&T)	CC Docket No. 93-197

REPLY COMMENTS OF CINCINNATI BELL TELEPHONE COMPANY NOCKET FILE COPY ORIGINAL

I. INTRODUCTION

Cincinnati Bell Telephone Company ("CBT"), an independent, mid-size local exchange carrier ("LEC"), submits these reply comments in response to comments filed concerning the Commission's September 20, 1995 Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding. While CBT does not currently operate under price cap regulation, CBT is participating in this proceeding because the development of a long term price cap regulatory plan will significantly affect the environment in which CBT operates, and will have an impact on whether CBT can elect price cap regulation in the future.

Many of the proposals offered by the Commission to alter the price cap regulation plan should also be available to those service providers which have chosen not to operate under price

Price Cap Performance Review for Local Exchange Carriers, CC Docket No. 94-1; Treatment for Operator Services Under Price Cap Regulation, CC Docket No. 93-124; Revisions to Price Cap Rules for AT&T, CC Docket No. 93-197, Notice of Proposed Rulemaking, released September 20, 1995.

cap regulation. CBT asserts that companies which do not operate under price cap regulation are also facing competition and must be given the flexibility necessary to respond to these challenges in their markets. Without this flexibility, small and mid-sized carriers will be placed at a disadvantage relative to competitors (which may be price cap carriers) which have the ability to introduce new services and adjust rates to address customers' needs in a timely fashion. It would be inequitable to non-price cap companies and their customers to provide increased flexibility only to price cap companies. CBT is also concerned that many of the regulatory changes suggested by CAPs and IXCs are unrelated to price caps and are aimed only at obtaining a competitive advantage.

II. RULES FOR THE INTRODUCTION OF NEW SERVICE OFFERINGS AND RATE CHANGES MUST BE RELAXED

For a smaller company, the loss of one large customer can be devastating. If a company has the ability to respond to customer needs, but loses a customer because of inefficiencies in its operation, the market is working as it should. However, where a customer is lost because the company was prevented by regulatory constraints from meeting the customer's needs, the company's loss is not driven by economic efficiencies. Indeed, the company may well have been the least cost provider of the service.

One of the most significant issues affecting the ability of both price cap and non-price cap carriers to respond to the needs of customers is the constraints placed on LECs' abilities to introduce new services. As asserted by many commenters in this proceeding, the introduction of new services should always be presumed to be in the public interest.² CBT submits that the

Ameritech Comments, pp. 14-15; Pacific Bell/Nevada Comments, p. 18; USTA Comments, p. 15; Southwestern Bell Comments, p. 16.

Commission should make every effort to remove the regulatory hurdles that LECs must currently negotiate in order to introduce new services. The present system allows LEC competitors to inappropriately game the system by raising baseless objections to new service offerings and rate changes. This only serves to delay the introduction of new services and does not serve the public interest.

A. Services Should Not Be Categorized According To Competition.

CBT asserts that no need exists to divide new services into the two separate tracks proposed by the Commission. However, if the Commission does establish two tracks for new services, it is imperative that the distinction between the two tracks be clear and unambiguous.³ CBT asserts that categorizing services using an essential/non-essential distinction does not meet that requirement.

CBT concurs with Pacific Bell/Nevada Bell that essential services are not those "services which facilitate competitive entry," as the Commission has suggested, or even those services that inconvenience or cause some economic loss. Such definitions are too subjective to be meaningful and could result in a system in which each and every LEC service must be analyzed in lengthy proceedings because LEC competitors will claim that all LEC services are essential. The delays resulting from such a system would give competitors an unfair advantage and would

USTA Comments, pp. 21-22; GTE Comments, p. 5; SNET Comments, p. 12; US West Comments, pp. 9-10; Ameritech Comments, p. 10; Southwestern Bell Comments, pp. 29-30; Sprint Comments, p. 14; Ad Hoc Comments, p. 4.

⁴ Pacific Bell/Nevada Bell Comments, p. 8.

⁵ Pacific Bell/Nevada Bell Comments, p. 8.

See, Ameritech Comments, p. 11; US West Comments, pp. 10-11; SNET Comments, pp. 12-13; GTE Comments, p. 6.

not serve the public interest. CBT reiterates that if the Commission establishes two tracks, Track 1 should only apply to those services that are mandated by the Commission.

B. <u>CBT Supports The Elimination Of The Need For Part 69</u> Waivers.

As stressed by many of the commenters in this proceeding, including CBT, the Part 69 waiver process is unduly burdensome and restricts unnecessarily the introduction of new services. Several commenters, however, recommend that the changes proposed by the Commission in this NPRM concerning the Part 69 waiver process not be implemented until comprehensive reforms are made to the Part 69 rules. CBT disagrees with this recommendation. While CBT believes more comprehensive reform is needed, customers should not be denied the benefit of new services offered at competitive prices by LECs while other modifications of the Part 69 rules are contemplated. It appears that those who are opposing the changes in the Part 69 rules proposed by the Commission are seeking to maintain the competitive advantage which the current waiver process affords them, in that challenges by competitors on issues unrelated to the determination of the public interest add significant delays to the current waiver process.

Part 69 waivers have been a major concern for LECs because of the length of time required to resolve waiver applications. For LEC customers, this waiver process appears to only serve the purpose of delaying the introduction of a new service they wish to purchase. CBT

USTA Comments, pp. 16-17; Bell Atlantic Comments, p. 9; US West Comments, pp. 21-22; Sprint Comments, p. 20; Time Warner Comments, p. 18.

National Cable Television Association Comments, p. 27; LDDS Comments, p. 32.

supports the elimination of the need for all Part 69 waivers, regardless of the form of regulation under which an individual carrier operates.⁹

C. <u>CBT Supports Permitting LECs To Offer Contract Pricing For</u> Access Services.

All providers of similar services must be allowed to price their services under the same rules and conditions so that competitive advantages do not unfairly accrue to providers who are given greater flexibility. CBT is concerned that under the Commission's proposal, contract pricing would be allowed only under streamlined regulation. CBT agrees with the comments offered by US West and the USTA that contract pricing should be allowed under baseline regulation. Clearly, where a business customer receives at least two responses to an RFP for communication services, competition is present for those services in that geographic market. This is the case regardless of the form of regulation under which the carrier operates. Therefore, all LECs should be permitted to offer contract pricing, regardless of the form of regulation under which they operate.

III. MARKET SHARE DOES NOT REFLECT MARKET POWER

CBT notes the widely divergent views regarding the importance of market share in determining market power. CBT believes that a careful review of the comments offered on this issue clearly supports the position that market share is not an accurate indicator of market power.¹¹ This is particularly true in industries where market share has been created by

⁹ CBT reiterates that the Commission should realize that these waivers affect all LECs and their customers equally.

¹⁰ US West Comments, p. 44; USTA Comments, pp. 26-29.

See generally, Pacific Bell/Nevada Bell Comments, pp. 42-43; Ameritech Comments, pp. 34-35.

regulators. As Southwestern Bell notes in its comments, this reality has also been recognized by courts. Por example, in Metro Mobile CTS, Inc. v. New Vector Communications, Inc., 892 F.2d 62, 63 (9th Cir. 1989), the Court stated, "Reliance on statistical market share in cases involving regulated industries is, at best, a tricky enterprise and is downright folly where, as here, the predominant market share is the result of regulation." Furthermore, to measure market power on the basis of the percent of access lines lost, as suggested by Time Warner and AT&T¹³, is totally inappropriate. As Pacific Bell/Nevada Bell and Ameritech observe, the loss of one customer, in the access market in particular, can have a devastating impact on a carrier. As the comments of Pacific Bell/Nevada Bell show, the loss of a small number of customers can result in a sizable reduction in revenue even for a large company. This impact could be magnified for a smaller carrier such as CBT. CBT reasserts that incumbent market share levels do not necessarily indicate the levels of market power held by the LEC.

¹² Southwestern Bell Comments, p. 66.

¹³ Time Warner Comments, p. 27; AT&T Comments, p. 17.

Pacific Bell/Nevada Bell Comments, pp. 42-43; Ameritech Comments, pp. 34-35.

¹⁵ Pacific Bell/Nevada Bell Comments, pp. 42-43.

IV. <u>CONCLUSION</u>

CBT asserts that the Commission should minimize regulatory oversight for all LECs wherever possible and develop rules that promote efficient and effective competition.

Respectfully submitted,

FROST & JACOBS

Thomas E. Taylor

Jack B. Harrison

2500 PNC Center 201 East Fifth Street Cincinnati, Ohio 45202 (513) 651-6800

Attorneys for Cincinnati Bell Telephone Company

Dated: January 16, 1996

0269604.04

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing **Reply Comments of Cincinnati Bell Telephone Company** have been delivered by first class United States Mail,
postage prepaid, on January 16, 1996, to the persons on the attached service list.

Arny K. Collins

William F. Caton, Acting Secretary Federal Communications Commission 1919 M Street, N.W., Room 222 Washington, DC 20554

Industry Analysis Divison (disk copy) Common Carrier Bureau 1919 M Street, N.W., Room 534 Washington, DC 20553

Janice Myles
Policy and Program Planning Division
Common Carrier Bureau
1919 M Street, N.W., Room 544
Washington, DC 20554

James S. Blaszak
Levine, Blaszak, Block & Boothby
Ad Hoc Telecommunications Users Committee
1300 Connecticut Avenue, N.W., Suite 500
Washington, DC 20036-1703

Susan M. Gately
Economics and Technology, Inc.
Ad Hoc Telecommunications Users Group
One Washington Mall
Boston, MA 02108-2617

James E. Keith Ambox Incorporated 6040 Telephone Road Houston, Texas 77087

Michael S. Pabian
Gary R. Phillips
Ameritech
2000 West Ameritech Center Drive, Room 4H82
Hoffman Estates, Illinois 60196

Gregory Vogt
Tariff Division, Room 518 (two copies)
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

International Transcription Svc., Inc. 2100 M Street, N.W. Washington, DC 20554

Dr. Lee L. Selwyn
Dr. David J. Roddy
Ad Hoc Telecommunications Users Committee
Economics and Technology, Inc.
One Washington Mall
Boston, Massachusetts 02108-2617

Dr. Lee L. Selwyn
Dr. David J. Roddy
James S. Blaszak
Levine, Blaszak, Block & Boothby
Ad Hoc Telecommunications Users Group
1300 Connecticut Avenue, N.W., Suite 500
Washington, DC 20036-1703

John C. Smith Aeronautical Radio, Inc. 2551 Riva Road Annapolis, MD 21401

Carol C. Henderson American Library Association 110 Maryland Avenue, N.E. Washington, DC 20002-5675

Lawrence R. Sidman
Eric T. Werner
Verner Lipfert Bernhard
McPherson & Hand Chartered
Ameritech
901 15th Street, N.W., Suite 700
Washington, DC 20005-2301

Charles W. Trippe Ampro Corporation 525 John Rodes Blvd. Melbourne, FL 32934

Richard J. Metzger
Association for Local Telecommunications Services
1200 19th Street, N.W., Suite 560
Washington, DC 20036

Marc E. Manly AT&T Corporation 1722 Eye Street, N.W. Washington, DC 20006

Debra Buruchian ATX Telecommunications Services 101 South 39th Street Philadelphia, PA 19104

Michael E. Glover Edward D. Shakin Bell Atlantic Telephone Companies 1320 N. Court House Road, 8th Floor Arlington, VA 22201

M. Robert Sutherland Richard M. Sbaratta Bellsouth Telecommunications, Inc. 4300 Southern Bell Center 675 West Peachtree Street, N.E. Atlanta, Georgia 30375

Alan J. Gardner
Jerry Yanowitz
Jeffrey Sinsheimer
California Cable Television Association
4341 Piedmont Avenue
Oakland, California 94611

W. Theodore Pierson, Jr.
Richard J. Metzger
Douglas J. Minster
Pierson & Tuttle
Association for Local Telecommunications Services
1200 19th Street, N.W., Suite 607
Washington, DC 20036

Mark C. Rosenblum
Peter H. Jacoby
Richard H. Rubin
AT&T Corporation
295 North Maple Avenue, Room 3244J1
Basking Ridge, New Jersey 07920

Janet Reno
Attorney General Of United States Of America
Department of Justice
10th Street & Constitution Avenue, N.W., Room 4400
Washington, DC 20530

Paul Pandian
Axes Technologies, Inc.
3333 Earhart
Carrollton, TX 32230

Gary M. Epstein
James H. Barker
Latham & Watkins
Bellsouth Telecommunications, Inc.
1001 Pennsylvania Avenue, N.W., Suite 1300
Washington, DC 20004-2505

Walter Bolter Bethesda Research Institute, Ltd. P.O. Box 4044 St. Augustine, Florida 32085

Donna N. Lampert
Christopher J. Harvie
Russel C. Merbeth
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
California Cable Television Association
701 Pennsylvania Avenue, N.W., Suite 900
Washington, DC 20004

Dr. Jerome R. Ellig Center for Market Processes 4084 University Drive, Suite 208 Fairfax, VA 22030

James Gattuso
Beverly McKittrick
Citizens for A Sound Economy Foundation
1250 H Street, N.W.
Washington, DC 20005

Genevieve Morelli Competitive Telecommunications Association 1140 Connecticut Avenue, N.W., Suite 220 Washington, DC 20036

Allan J. Arlow Computer & Communications Industry Associations 666 11th Street, N.W. Washington, DC 20001

Henry M. Rivera
Ginsburg, Feldman and Bress Chartered
Counsel of Chief State School Officers &
National Assoc. of Secondary School Principals
1250 Connecticut Avenue, N.W.
Washington, DC 20036

Emily C. Hewitt
Vincent L. Crivella
Michael J. Ettner
Robert C. Mackichan, Jr.
General Services Administration
18th & F Sts., Room 4002
Washington, DC 20405

Gail L. Polivy GTE Service Corporation 1850 M Street, N.W., Suite 1200 Washington, DC 20036 George Sollman Centigram Communications Corporation 91 East Tasman Drive San Jose, CA 95134

Leonard J. Kennedy
Laura H. Phillips
Peter A. Batacan
Dow, Lohnes & Albertson
Comcast Corporation
1255 23rd St., N.W., Suite 500
Washington, DC 20037

Danny E. Adams
Jeffrey S. Linder
Wiley Rein & Fielding
Competitive Telecommunications Association
1776 K Street, N.W.
Washington, DC 20006

Charles A. Zielinski
Rogers & Wells
Computer & Communications Industry Association
607 14th Street, N.W.
Washington, DC 20005

Werner K. Hartenberger
Laura H. Phillips
Christina H. Burrow
Cox Enterprises, Inc.
Dow, Lohnes & Albertson
1255 Twenty-Third Street, N.W., Suite 500
Washington, D.C. 20037

Richard McKenna GTE Service Corporation P. O. Box 152092 Irving, TX 75015-2092

Stephen B. Kaufman Healthtech Services Corporation 255 Revere Drive, Suite 101 Northbrook, IL 60062 Michael L. Glaser K. Harsha Krishnan Hopper and Kanouff, P.C. ICG Access Services, Inc. 1610 Wynkoop St., Suite 200 Denver, Colorado 80202

R. Michael Senkowski
Jeffrey S. Linder
Wiley Rein & Fielding
Information Technology and
Telecommunications Association
1776 K Street, N.W.
Washington, DC 20006

Lucile M. Moore Intelect, Inc. 1100 Executive Drive Richardson, TX 75081

Brian R. Moir Moir & Hardman International Communications Associations 2000 L Street, N.W., Suite 512 Washington, DC 20036

Joseph A. LaHoud LC Technologies, Inc. 9455 Silver King Court Fairfax, VA 22031

Douglas W. Kinkoph LCI International, Inc. 8180 Greensboro Drive, Suite 800 McLean, VA 22102

Robert A. Mazer
Nixon Hargrave Devans & Doyle
Lincoln Telephone And Telegraph Company
One Thomas Circle, N.W., Suite 800
Washington, DC 20005

Robert J. Butler Kurt E. Desoto Wiley, Rein & Fielding Information Industry Association 1776 K Street, N.W. Washington, D.C. 20006

James B. Wood Inovonics, Inc. 1304 Sair Avenue Santa Cruz, CA 95060

Jonathan E. Canis Swidler & Berlin Chartered Intermedia Communications of Florida, Inc. 3000 K Street, N.W., Suite 300 Washington, DC 20007

Philip F. McClelland Irwin A. Popowsky Consumer Advocate 1425 Strawberry Square Harrisburg, PA 17120

Robert J. Aamoth
Reed Smith Shaw & McClay
LCI International, Inc.
1301 K Street, N.W., Suite 1100, East Tower
Washington, D.C. 20005

Catherine Sloan Richard Fruchterman Richard Whitt LDDS WorldCom 1120 Connecticut Avenue, N.W., Suite 400 Washington, D.C. 20036

John E. Lingo, Jr Lingo, Inc. P.O. Box 1237 Camden, NJ 08105 Chris Frentrup
Elizabeth Dickerson
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, DC 20006

Daniel Kelley
Hatfield Associates, Inc.
National Cable Television Association, Inc.
737 29th Street, Suite 200
Boulder, CO 80303

Margot, Smiley, and Humphrey Koteen & Naftalin National Rural Telecommunication Association 1150 Connecticut Avenue N.W., Suite 1000 Washington, DC 20036

Philip L. Verveer
Thomas Jones
Willkie Farr & Gallagher
National Cable Television Association, Inc.
1155 21st Street, N.W.
Washington, DC 20036

Edward R. Wholl Campbell L. Ayling Edward E. Niehoff NYNEX Telephone Companies 120 Bloomingdale Road White Plains, NY 10604

L. Paul Knoerzer
OK Champion Corporation
P.O. Box 585
Hammond, IN 46320

James L. Wurtz Margaret E. Garber Pacific Bell and Nevada Bell 1275 Pennsylvania Avenue, N.W. Washington, DC 20004 Andrew D. Lipman
Jonathan E. Canis
Cindy Z. Schonhaut
Swidler & Berlin Chartered
MFS Communications Company, Inc.
3000 K Street, N.W.
Washington, DC 20007

David Cosson National Telephone Cooperative Association 2626 Pennsylvania Avenue, N.W. Washington, DC 20037

Daniel L. Brenner
Neal M. Goldberg
David L. Nicoll
National Cable Television Association, Inc.
1724 Massachusetts Avenue, N.W.
Washington, DC 20036

Joseph DiBella NYNEX Telephone Companies 1300 I Street, N.W., Suite 400 West Washington, DC 20005

David C. Bergmann Yvonne T. Ranft Office of the Consumers' Counsel State of Ohio 77 South High Street, 15th Floor Columbus, Ohio 43266-0550

Lisa M. Zaina
Organization For the Protection and Advancement
of Small Telephone Companies
21 Dupont Circle, N.W., Suite 700
Washington, DC 20036

Lucille M. Mates
Sarah Rubenstein
Pacific Bell and Nevada Bell
140 New Montgomery Street, Room 1522A
San Francisco, CA 94105

James P. Tuthill
John W. Bogy
Lucille M. Mates
Pacific Bell and Nevada Bell
140 New Montgomery Street, Room 1530-A
San Francisco, CA 94105

J. R. Panholzer Remarque MFG Corporation 110 Field Street W. Babylon, NY 11704

Michael J. Shortley, III Rochester Telephone Corporation 180 South Clinton Avenue Rochester, New York 14646

Eugene J. Baldrate Ann U. MacClintock Southern New England Telephone Company 227 Church Street New Haven, CT 06510

Durward D. Dupre Richard C. Hartgrove Southwestern Bell Telephone Company 1010 Pine Street, Room 2114 St. Louis, MO 63101

Jonathan M. Chambers Sprint Telecommunications Venture 1850 M Street, N.W., Suite 1100 Washington, D.C. 20036

W. Richard Morris Sprint Corporation P.O. Box 11315 Kansas City, MO 64112 Frank Tripi Perception Technology Corp. 40 Shawnut Road Canton, MA 02021

Al W. Wokas Rhetorex, Inc. 200 E. Hacienda Avenue Campbell, CA 95008

David L. Deming Senecom Voice Processing Systems 6 Blossomwood Court St. Louis, MO 63033-5202

Robert M. Lynch Durward D. Dupre Thomas A. Pajda Southwestern Bell Telephone Company One Bell Center, Suite 3520 St. Louis, Missouri 63101

Jay C. Keithley
Leon M. Kestenbaum
H. Richard Juhnke
Norina T. Moy
Sprint Corporation
1850 M Street, N.W., Suite 1110
Washington, DC 20036

Cheryl A. Tritt
Charles H. Kennedy
Eric N. Richardson
Morrison & Foerster
Sprint Telecommunications Venture
2000 Pennsylvania Avenue, N.W., Suite 5500
Washington, D.C. 20006-1888

Barry Gorsun Summa Four, Inc. 25 Sun Dial Avenue Manchester, NH 03103 William H. Combs, III
Tamaqua Cable Products Corporation
P.O. Box 347
300 Willow Street
Schuylkill Haven, PA 17972

J. Manning Lee
Gail Garfield Schwartz
Teleport Communications Group, Inc.
Two Teleport Drive, Suite 300
Staten Island, NY 10311

David R. Poe Cherie R. Kiser Leboeuf, Lamb, Greene & Macrea Time Warner Communications Holdings, Inc. 1875 Connecticut Avenue, N.W. Washington, DC 20009-5728

Paul B. Jones
Janis A. Stahlhut
Time Warner Communications
300 First Stamford Place
Stamford, Connecticut 06902-6732

Dr. Lee L. Selwyn
Susan M. Baldwin
Economics and Technology, Inc.
Time Warner Communications Holdings, Inc.
One Washington Mall
Boston, Massachusetts 02108

Susan M. Baldwin
Patricia D. Kravtin
Economic Consultants
Time Warner Communications
One Washington Mall
Boston, Massachusetts 02108

Gregory L. Cannon U S West Communications, Inc. 1020 19th Street, N.W., Suite 700 Washington, DC 20036 Charles C. Hunter
Kevin S. Dilallo
Hunter & Mow, P.C.
Telecommunications Resellers Association
1620 I Street, N.W., Suite 701
Washington, D.C. 20006

Fred Van Veen Teradyne, Inc. 321 Harrison Avenue Boston, MA 02118

Susan M. Baldwin
Patricia D. Kravtin
Economic Consultants
Time Warner Communications
One Washington Mall
Boston, Massachusetts 02108

David R. Poe Brian T. Fitzgerald Leboeuf, Lamb, Greene & MacRae Time Warner Communications Holdings, Inc. 1875 Connecticut Avenue, N.W. Washington, D.C. 20009-5728

Paul B. Jones
Janis Stahlhut
Donald F. Shepheard
Time Warner Communications Holdings, Inc.
300 First Stamford Place
Stamford, Connecticut 06902-6730

James T. Hannon
Dan Poole
Gregory L. Cannon
U S West Communications, Inc.
1020 19th Street, N.W., Suite 700
Washington, DC 20036

Linda Kent Mary McDermott Charles D. Cosson USTA 1401 H Street, N.W., Suite 600 Washington, D.C. 20005-2136 Lawrence P. Keller
Cathey Hutton & Associates, Inc.
USTA
3300 Holcomb Bridge Road, Suite 286
Norcross, GA 30092

Peter A. Rohrbach Karis A. Hastings Hogan & Hartson Worldcom, Inc. 555 13th Street, N.W. Washington, DC 20004 Peter A. Rohrbach Linda L. Oliver Hogan & Hartson Wiltel, Inc. Columbia Square 555 13th Street, N.W. Washington, DC 20004-1109